

### **REMARKS**

Claims 1-11 are pending in the application. Applicants amend claims 1 and 4-8 for further clarification. No new matter has been added.

Claims 5 and 7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0152152 to Dunne et al.; claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunne et al. in view of U.S. Patent Application Publication No. 2004/0120302 to Sebire et al.; claims 4, 6, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunne et al. in view of U.S. Patent No. 6,850,883 to Kapanen et al.; and claims 9-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunne et al. in view of Kapanen et al., and further in view of Sebire et al. Applicants amend claims 1 and 4-8 in a good faith effort to further clarify the invention as distinguished from the cited references, and respectfully traverse the rejection.

Applicants respectfully submit that Dunne et al., Sebire et al., and Kapanen et al. each at least fail to disclose the claimed features of detecting TFO information from a first data or a third data, and operating corresponding first and second modes based on such TFO information detecting. And Applicants further submit that it would not have been obvious to one skilled in the art at the time the claimed invention was made to alter and combine these references to meet the claimed features absent improper hindsight from the claimed invention itself.

Accordingly, Applicants respectfully submit that independent claims 1 and 4-8 incorporating the above-noted features, together with claims 2-3 and 9-11 dependent therefrom, respectively, are patentable over the cited references for at least the above-stated reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should

consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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